

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

HERMAN T. CLARK,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-08-05-C
)	
LAVONNA BARTLING, <i>et al.</i> ,)	
)	
Defendants.)	

Report and Recommendation

One of the defendants is a fictitiously named party, “John Doe, Department of Corrections Employee.” The Plaintiff has moved for voluntary dismissal of the claims against John Doe,¹ and the other defendants have consented.² In light of the consent, the undersigned recommends that the Court grant the Plaintiff’s motion for voluntary dismissal of the claims against John Doe.³

¹ Doc. 82.

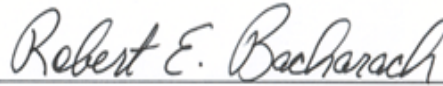
² Doc. 71 at p. 3.

³ *See* Fed. R. Civ. P. 41(a)(2).

Any party may file written objections with the Clerk of the United States District Court.⁴ The deadline for objections is May 20, 2009.⁵ The failure to file timely objections would result in waiver of the right to appeal the suggested ruling.⁶

This report does not terminate the referral.

Entered this 28th day of April, 2009.

A handwritten signature in cursive script, reading "Robert E. Bacharach", is written over a horizontal line.

Robert E. Bacharach
United States Magistrate Judge

⁴ See 28 U.S.C. § 636(b)(1).

⁵ See W.D. Okla. LCvR 72.1.

⁶ See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); see also *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996) (“Issues raised for the first time in objections to the magistrate judge’s recommendation are deemed waived.”).